03-30-05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	: Mark Harris	Examiner	: Q. Nguyen
Application No.	: 10/018,378	Group Art	: 2642
Filing Date	: December 18, 2001	Docket No.	: 26769.6
Confirmation No.	: 7906		

Title : NETWORK ADDRESSING SYSTEM AND METHOD USING SAME

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8*

I hereby certify that the below-identified papers are being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" on March 28, 2005 in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents , P.O. Box 1450, Alexandria, Virginia 22313-1450

W S HARRIS
(type or print name of person mailing paper)

WSH
Signature of person mailing paper

Items enclosed herewith:

1. **Appeal Brief**
2. **Fee Transmittal**
3. **Credit Card Payment Form**
4. **Return Receipt Postcard**

03-30-05

TRW AF
2642

PTO/SB/21 (08-03)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/018,378
Filing Date	December 18, 2001
First Named Inventor	Mark Harris
Art Unit	2642
Examiner Name	Q. Nguyen
Attorney Docket Number	26769.6

Total Number of Pages in This Submission: 34

ENCLOSURES *(Check all that apply)*

- [✓] Fee Transmittal Form
- [✓] Fee Attached
- [ ] Amendment/Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
- [ ] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
- [ ] After Allowance communication to Technology Center (TC)
- [ ] Appeal Communication to Board of Appeals and Interferences
- [✓] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [ ] Other Enclosure(s) (please Identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	W. Scott Harders, Reg. No. 42,629
Signature	
Date	~~February 9, 2004~~ 28 MARCH 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	W. Scott Harders		
Signature		Date	

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 250.00

Complete if Known	
Application Number	10/018,378
Filing Date	December 18, 2001
First Named Inventor	Mark Harris
Examiner Name	Q. Nguyen
Art Unit	2642
Attorney Docket No.	26769.6

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☑ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 02-2051

Deposit Account Name: Benesch, Friedlander, C..

The Director is authorized to: *(check all that apply)*

☑ Charge fee(s) indicated below ☑ Credit any overpayments

☑ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims		-20** =		X	=
Independent Claims		- 3** =		X	=
Multiple Dependent					=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	250.00
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 250.00

SUBMITTED BY

(Complete *(if applicable)*)

Name (Print/Type)	W. Scott Harders	*Registration No. (Attorney/Agent)*	42,629	*Telephone*	216-363-4504
Signature				*Date*	28 MAR 2005

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	HARRIS, Mark	Examiner	:	NGUYEN, Q.
Application No.	:	10/018,378	Group Art	:	2642
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Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir/Madam:

The following Appeal Brief is submitted pursuant to the Notice of Appeal filed January 26, 2005 in the above-identified application. This Appeal Brief, filed within two months of the filing date of the Notice of Appeal with a proper certificate of mailing, is therefore timely filed. This is an appeal from the decision of the Examiner mailed July 27, 2004, finally rejecting claims 1-14. The fees required under 37 CFR § 1.17, are detailed and properly paid as stated in the accompanying Fee Transmittal Form. This Appeal Brief is filed in triplicate (37 CFR § 1.192(a)).

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

I. REAL PARTY IN INTEREST

Mark J. Harris, the party named in the caption of this Appeal Brief is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

All Claims, 1-14, have been finally rejected under 35 U.S.C. § 103. Claims 1-14 remain pending and are on appeal (see Section IX, Claims Appendix).

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the final Office Action, mailed July 27, 2004 (Exhibit A, hereafter "Final Office Action").

V. SUMMARY OF CLAIMED SUBJECT MATTER

In a particular embodiment, the application relates to employing telephone numbers, ordered in a typical way, as a domain name to identify a desired device.

The claimed subject matter includes receiving a telephone number portion identifying a device, such as a telephone or network connected device, and converting the telephone number portion into a multiple level domain name identifying the device over a network. Among others, the multiple level domain name includes a plurality of domains corresponding to the telephone number portion and a base portion. The plurality of domains corresponding to the telephone number portion are arranged in an order or sequence corresponding to the telephone number portion.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 -14 have been rejected under 35 U.S.C. § 103 as being obvious in light of the single reference, U.S. Patent No, 5,974,453 to Anderson et al. (Exhibit B, hereafter "Anderson

'453"). The Office concedes that the only reference, Anderson '453, does not suggest that the plurality of domains are arranged in an order corresponding to the telephone number. Improperly, the Office never identifies the reference that does suggest the missing element.

VII. ARGUMENT

Claims 1 – 14 are not obvious in light of Anderson '453 under 35 U.S.C. § 103.

A. Brief Discussion of Reference

Anderson '453 describes a method and system for translating a static identifier, such as a telephone number, into a dynamically assigned network address (Anderson '453, Abstract). Anderson '453 reverses components of the static telephone number so that more geographically general identifiers are located "to the right" of the network address. In other words, while telephone numbers are arranged with the most general geographic identifier to the "left" (e.g. country code, area code, exchange, number) due to the numbering plan employed by the public switched telephone network, Anderson '453 reverses this convention becoming more geographic general toward the "right" of the domain name (Anderson '453, column 6, line 63 – column 7, line 4) to mirror the convention of the Domain Name System. As a result, the domain name produced by Anderson '453 may incorporate elements of a phone number, but the elements are scrambled (compare, Anderson '453 Figure 4, block 400 (phone number) and block 405 (domain name)).

B. Argument

1. The reference of record fails to disclose all the claim limitations

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2143.

In the Final Office Action, the Office explicitly admits that Anderson '453 does "not suggest the plurality of domains corresponding to the telephone number portion are arranged in an order corresponding to the telephone number portion" (Exhibit A, Final Office Action, page 2). The Office to date has not offered a reference that does teach or identify a suggestion to make the modification. This alone is sufficient to merit reversal of all the rejections under review because the Office has not yet made out a *prima facie* case of obviousness.

As such, Applicant respectfully submits that the rejection under 35 U.S.C. § 103 is improper and the claims are not rendered obvious by Anderson '453.

2. <u>There is no suggestion to make the proposed modification</u>

A proper obviousness rejection requires the Office to identify a basis in the prior art for the proposed modification. The teaching or suggestion must be found in the prior art, not in applicant's disclosure. MPEP § 2143.01. Recently the Federal Circuit summarized the law in this area in *In re Fulton*. There the court noted that, "the prior art as a whole must 'suggest the desirability' of the combination.' *In re Beattie*, 974 F.2d 1309, 1311 (Fed. Cir. 1992); *Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340 (Fed. Cir. 2000) ('Trade-offs often concern what is *feasible*, not what is, on balance, *desirable*. Motivation to combine requires the latter.'). The source of the teaching, suggestion, or motivation may be 'the nature of the problem,' 'the teachings of the pertinent references,' or 'the ordinary knowledge of those skilled in the art.' *In re Rouffet*, 149 F.3d at 1355." *In re Fulton,* 2004 U.S. App. LEXIS 24815 (Fed. Cir., December 2, 2004).

In the present application, claim 1 calls for the plurality of domains to be "arranged in an order corresponding to the telephone number portion." The Office correctly notes this element is missing in Anderson '453 (Exhibit A, Final Office Action, page 2). However, the Office incorrectly asserts that it would be obvious to place the reversed sequence of Anderson '453 in an order corresponding to a telephone number to arrive at the present claims. This rejection is improper for at least two reasons.

First, the Office has failed to supply a basis for making the modification. Obviousness requires "some objective reason to combine the teachings of the references." *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter., 1993). In the Final Office Action the

Office merely concludes without any analysis or support that the proposed modification is obvious (Exhibit A, Final Office Action, page 3). Because no basis for the modification is provided, the rejection is improper.

Second, Anderson '453 fails to suggest the desirability of the modification. The *Fulton* court's requirement that motivation to combine requires that the proposed changes be desirable, as opposed to merely feasible, clarifies the shortcoming of the Office's position. Anderson '453 lists among the problems it sought to overcome the "inability to scale ...." (Exhibit B, Column 1, line 49, 50). With this problem in mind, Anderson '453 notes in the Detailed Description that "[o]ne great advantage of this [described] system is that scaling is possible by further dividing the dir-con domain into further subdomains. For example, a hybrid DNS server may serve each area code...." (Exhibit B, Column 5, line 33-36). In other words, Anderson '453 describes a system that scales by assigning sub-domains in order of general increasing geographic specificity – from top level domain, to country, to area code, to number. Anderson'453 does not even mention in passing the possibility – let alone the desirability – that the phone number could be maintained in an order corresponding to the telephone number.

As such, Applicant respectfully submits that the rejection of claim 1 and claims 2 – 6 depending therefrom under 35 U.S.C. § 103 is improper, and the claims are not rendered obvious by Anderson '453.

Claim 7 calls for receiving a static, multiple level domain name arranged in an order corresponding to that of the telephone number portion. The Office has considered claim 7 in connection with claim 1, and thus concedes that Anderson '453 fails to teach or fairly suggest this limitation (Exhibit A, Final Office Action, page 2). Thus, for the reasons above, the rejection of claim 7 and claims 8 and 9 depending therefrom under 35 U.S.C. § 103 is improper and the claims are not rendered obvious by Anderson '453.

Claim 10 calls for an apparatus that receives a telephone number portion identifying a second device, and that converts the received telephone number portion into a static multiple level domain name identifying the second device on the network while preserving sequencing of the telephone number portion. The Office considered claim 10 with claim 1 despite the different claim language, and thus must be held to the admission that Anderson '453 does not teach the

claim as presented. Nothing in Anderson '453 suggests that the sequencing of the telephone number be preserved, and in fact discusses in every embodiment that the number is reversed. Thus, for the reasons above, the rejection of claim 10 and claims 11 – 14 depending therefrom under 35 U.S.C. § 103 is improper, and the claims are not rendered obvious by Anderson '453.

VIII. CONCLUSION

Appellant submits that the pending claims are allowable and urges allowance of the claims at an early date.

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 02-2051, referencing Attorney Docket No. 26769-6.

Respectfully submitted,

Dated: 28 MARCH 2005 By: _____

W. Scott Harders
Registration No. 42,629

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF, LLP**
2300 BP Tower
200 Public Square
Cleveland, OH 44114
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IX. CLAIMS APPENDIX

IN THE CLAIMS:

1. (Previously Presented) A method comprising:

receiving a telephone number portion identifying a device;

converting the telephone number portion into a multiple level domain name identifying the device over a network, the multiple level domain name comprising a plurality of domains corresponding to the telephone number portion and a base portion, where the plurality of domains corresponding to the telephone number portion are arranged in an order corresponding to the telephone number portion; and

establishing communication with the device via the multiple level domain name over the network.

2. (Original) The method as set forth in claim 1, where the telephone number portion of the multiple level domain name is subordinated to the base portion.

3. (Original) The method as set forth in claim 2, where the base portion of the multiple level domain name comprises a base level domain.

4. (Original) The method as set forth in claim 1, where the converting step comprises:

adding domain separators to the received telephone number portion at determinable locations in the received telephone number portion.

5. (Original) The method as set forth in claim 1, where the received telephone number portion comprises a separator, the converting step comprising:

parsing the received telephone number portion for the separator; and

inserting a domain separator for the parsed separator.

6. (Original) The method as set forth in claim 1, further comprising:

appending additional domain levels to the converted telephone number portion to complete the multiple level domain name.

7. (Previously Presented) A method of communicating over a network comprising:

receiving from a first device a static, multiple level domain name at least partially derived from a telephone number portion identifying a second device the multiple level domain name being arranged in an order corresponding to that of the telephone number portion;

determining availability of the second device on the network; and

in response to the determining step, selectively establishing communications from the first device to the second device.

8. (Original) The method as set forth in claim 7, further comprising:

establishing communications from the second device to the first device.

9. (Original) The method as set forth in claim 7, where the determining availability step comprises:

querying the second device over the network; and

receiving a response from the second device indicative of second device availability.

10. (Previously Presented) An apparatus to establish communication between at least two devices over a network, the apparatus comprising a processor which receives from a first device a telephone number portion identifying a second device, and which converts the received telephone number portion into a static multiple level domain name identifying the second device on the network while preserving sequencing of the telephone number portion.

11. (Original) The apparatus as set forth in claim 10, where the processor further establishes communication with the second device over the network.

12. (Original) The apparatus as set forth in claim 10, further comprising a table which matches the static multiple level domain name to an IP address.

13. (Original) The apparatus as set forth in claim 10, where the processor further adds domain separators to the received telephone number portion at determinable locations to result in the static multiple level domain name.

14. (Original) The apparatus as set forth in claim 10, where the received telephone number portion comprises a separator, and where the processor parses the received telephone number portion for the separator and inserts a domain separator for selected instances of the parsed separator.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,378	12/18/2001	Mark J. Harris	26769-4	7906

21130 7590 07/27/2004

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CLEVELAND, OH 44114

EXAMINER	
NGUYEN, QUYNH H	

ART UNIT	PAPER NUMBER
2642	6

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/018,378	HARRIS, MARK J.	
	Examiner	Art Unit	
	Quynh H Nguyen	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment filed 5/17/04*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. (U.S. Patent 5,974,453).

Regarding claims 1, 10, and 11, Andersen et al. teach receiving a telephone number portion identifying a device (phone number 011-123-456-7890 identifying device 115); converting ("rearranging") the telephone number portion into a multiple level domain name identifying the device over a network, the multiple level domain name comprising a plurality of domains corresponding to the telephone number portion and a base portion (col. 3, lines 29-41, for example, 7890.456.123.011.dir-con.com); and establishing communication with the device via the multiple level domain name over the network (col. 3, lines 37-48).

However, Andersen et al. do not suggest the plurality of domains corresponding to the telephone number portion are arranged "in an order" corresponding to the telephone number portion.

On one hand, "an order" corresponding to the telephone number would read on the reverse "order" taught by Andersen. A "reverse order" is still an "order". On the

other hand, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the domains corresponding to the telephone number portion may be arranged in "an order" corresponding directly and exactly to the telephone number portion, or in a reverse order. Obviously, either "order" may be chosen without departing from the teachings of Andersen.

Regarding claim 2, Andersen et al. teach the telephone number portion of the multiple level domain names is subordinated to the base portion, for example, 7890.456.123.011.dir-con.com.

Regarding claim 3, Andersen et al. teach the base portion of the multiple level domain names comprise a base level domain, for example, .com.

Regarding claims 4 and 13, Andersen et al. teach adding domain separators to the received telephone number portion at determinable locations in the received telephone number portion ("adding the periods" - col.5, lines 63-67).

Regarding claims 5 and 14, Andersen et al. teach parsing the received telephone number (Fig. 5, 500) portion for the separator ("arrange static identifier to form DNS device name"); and inserting a domain separator for the parsed separator (Fig. 5, 515).

Regarding claim 6, Andersen et al. teach appending additional domain levels to the converted telephone number portion to complete the multiple level domain name (col. 8, lines 12-15).

Claims 7 and 8 are rejected for the same reasons discussed above with respect to claim 1. Furthermore, Andersen et al. teach determining availability of the second device the m on the network (col. 8, lines 19-31); and in response to the determining

step, selectively establishing communications from the first device to the second device (col. 8, lines 44-51).

Regarding claim 9, Andersen et al. teach querying the second device over the network; and receiving a response from the second device indicative of second device availability ("the device 115 is transmitting keep-alive signals") (col. 7, lines 47-64).

Regarding claim 12, Andersen et al. teach matching the static multiple level domain names to an IP address (col. 3, lines 29-40).

Response to Arguments

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
July 22, 2004

AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600